

**From:** JEFF SEWELL  
**To:** TOM DAUGHERTY  
**Date:** 11/29/99 10:08AM  
**Subject:** Re: Gary Development Corporation Landfill

Tommy "Scooter" D,

Thanks for keeping me in the loop.



>>> TOM DAUGHERTY 11/29/99 10:00AM >>>

You may recall I talked with you recently about setting up a steering committee for the GDC landfill and having a meeting some time during December. One of the interested parties is the Elgin, Joliet & Eastern Railway whose tracks are on the north and east sides of the landfill. I've met on site with them before to discuss the landfill's contribution of silt and other sediment to the railroad's drainage ditches. They claim to have to clean it out more often than is normal because the landfill is not properly controlling runoff.

Their representative, Mark Paul, called me again this morning for an update on our progress with the landfill. It's his way of gently nudging us towards a solution - he calls about every two months. During our conversation this morning, I got the idea of including them on the steering committee. They have some equipment and, based on previous conversations, they seem willing to contribute some effort to the cleanup, at least to the extent that it keeps runoff sediment out of their ditches. At the very least, it will serve to keep them informed.

I'd recommend that we include them, at least in the initial meeting. If you agree, Mr. Paul's number is 815-740-6635.

12-08-99 Gary Development Corp Meeting

Adriane Esparza  
Aaron Laurits  
Tom Dougherty

### Suggested Steering Committee

EPA - Mirtha Capiro - 312-886-7567

City of Gary  
SWD

SCS

AMG Attn: <sup>Holman on case</sup> ~~Kristin Wethick~~ - 412-394-5614

Railroad - Call - Mark Paulk - 815-740-6635

Co Health Dept.

Jan meeting - 1<sup>st</sup> contacts

AL: Focus on erosion on side slopes - East & South

Meet w/ Matt Klein & Aaron Laurits

# Gay Development Corp Meeting

Include Bob Lamprecht

County Health Dept

SWCD

~~WRES (SGS)~~

~~SWCD~~

County SWMD

10/28 - Called Bob L - LM

~~Toastmasters~~

Next week

Jennings Co - Design



# Gary Development Corp -

7.07.99

Lyle Bollin, Engr.

Boone Consulting - Ft. Wayne

279/

Bio-solids to Gary Development??

**From:** MATT KLEIN  
**To:** DAUGHERTY, THOMAS, LAUSTER, AARON  
**Date:** 11/17/98 10:41AM  
**Subject:** GDC Landfill

Guys, before heading out to the GDC Landfill, stop by a Lowes or Builder's Square and pick up a heavy-duty lock for the gate at the site. Make sure it is a good one. Lock it up after you are done. I'm in the middle of fighting with their attorney on the access issue.....Matt

**From:** MATT KLEIN  
**To:** "LMckinney@boselaw.com"@igcgwdoma.GWSMTP  
**Date:** 11/17/98 10:37AM  
**Subject:** Re: Gary Development Company Landfill

Lisa, thanks for the e-mail. I want to make sure that we understand each other and that we are clear on a few issues.

1. On Wednesday, November 18, 1998, staff from IDEM will be at the GDC Landfill to perform certain surveying activities in preparation for further remedial activities that will take place in the future. It is likely that they will need to bring a vehicle onto the site and not walking around the fence as your client has indicated is currently possible.

2. I am familiar with the terms of the settlement between EPA and GDC, but I don't know what authority you, EPA, DOJ, or the Trustee has in prohibiting IDEM from gaining access to the site. In any event, how are we supposed to perform our general site inspections or conduct closure activities at the site if it is consistently locked? Is your client denying access to the site? See Indiana Code 13-14-2-2. My intent in calling you yesterday was to be open and honest about IDEM's activities and see if your client could be present at the site on November 18, 1998, to provide access to the site so we would not have to cut the lock and replace it. You are more than welcome to accompany IDEM on Wednesday.

3. IDEM will be more than happy to replace the cut lock with a new one. This is not a problem. I have offered to provide you with a key so that all parties have access to the site. However, IDEM will never be "responsible" for your "absentee" client's site once we change the locks. IDEM is merely performing closure activities pursuant to the settlement between EPA and your client.

Please don't take the tone of this e-mail as being unfriendly. My only intent is to cover the bases so that everyone knows what we're doing. Call me if you have any questions.

Matt 233-6335.....

>>> "Lisa C. McKinney" <LMckinney@boselaw.com> 11/16/98 05:23PM >>>  
Matt-

I believe we misunderstood each other. I did not authorize you to change the lock and enter the property. I thought you were going to send me a draft of a letter which states that IDEM would take full responsibility for the site once you changed the locks. Once I received your draft, I was then going to speak with my client.

In addition, before I can give IDEM permission to enter the premises, you must obtain USEPA's and the Trustee's permission. Please contact Josh Levin from the Department of Justice at 202-514-4198, Arlene Haas at USEPA at 312-353-5996 and Mary Marsh at National City Bank of Indiana (Trustee). Under the terms of our Consent Decree with EPA, Gary Development created an irrevocable trust (Gary Development Company Landfill Fund Trust) and designated IDEM as the beneficiary. The purposes of the trust were to perform such things as a landfill closure, post-closure activities, a groundwater quality assessment, remediation of any contamination and/or the prevention of the release of hazardous substances at the site. Moreover, for your records, Gary Development Company, Inc. was dissolved on April 7, 1998.

Therefore, please do not advise your staff to enter the property until we have spoken and the above arrangements and contacts have been made. Thank you.

>>> MATT KLEIN <MKLEIN@dem.state.in.us> 11/16 4:59 PM >>>

I spoke with counsel for the Gary Development Company Landfill this afternoon at 2:00pm. She informed

me that the keys for the lock on the gate at the GDC Landfill are in a location which will not be visited until the Spring.

Therefore, it was agreed that IDEM could purchase a lock for the chain on the gate ahead of time, cut the lock on the gate, as necessary, to enter the facility, then lock the gate upon leaving the facility. Please make an extra copy of the key for me and I will keep it in my file.

It is imperative, if we so choose to break the lock on the gate and replace it, that we lock the gate upon leaving! Counsel for GDC Landfill informed me that they don't mind allowing IDEM to do its work so long as they don't end up with more open dumping at the facility due to our failure to secure the facility upon leaving.

Please let me know if you have any questions. Forward as appropriate.

Matt

**CC:** DAUGHERTY, THOMAS, FOUTTY, LEAH, LAUSTER, AARON



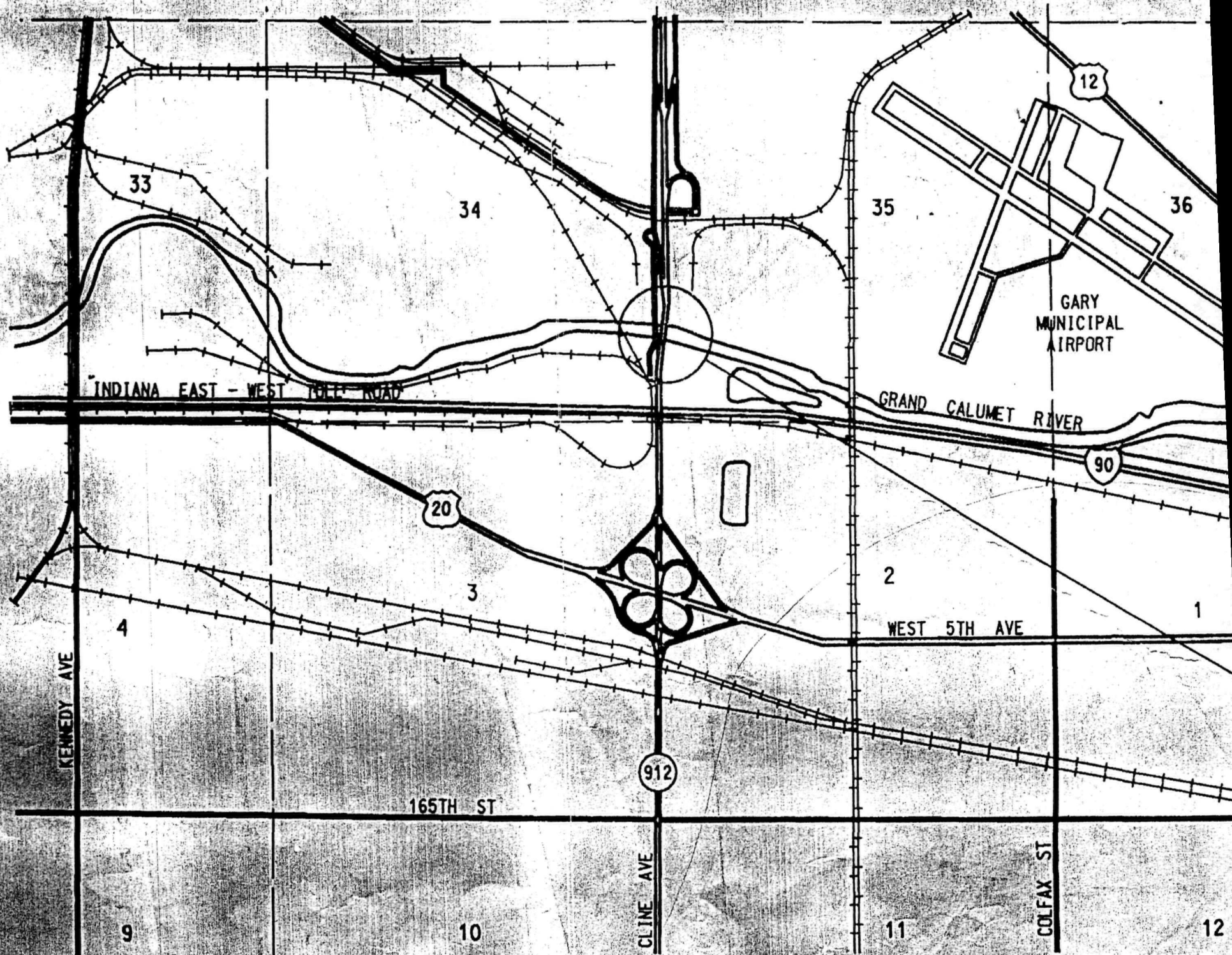
Indiana Department of Environmental Management  
Office of Solid and Hazardous Waste Management  
Solid Waste Compliance-Inspection Report and Comments

Page 1 of 1

IN-IRCF-8-95

Date:	Aug 10, 1999	Time:	10:00 AM	County:	Lake
Facility:	Gary Development Corp Landfill				
Location:	245 Cline Ave - Gary				
Permit #	<input type="checkbox"/> - <input type="checkbox"/>	or Non-permitted	<input checked="" type="checkbox"/>		
Inspected by:	Tom Daugherty - Mike Tragesser				
Comments:	<p>Met on site w/ Mark A. Paull, Project Engineer for Elgin, Joliet &amp; Eastern Railway Company (815-740-6635). Purpose of meeting was to discuss Railway's concern about ditch sedimentation on east side of landfill, and ponding between tracks on north side of LF. Site inspection reveals that east ditch is partly filled w/ sediment but it's not clear that LF runoff is the only cause. LF slope is heavily vegetated &amp; there's a berm diverting runoff on top of part of east slope of LF. WRT the ponding water on north tracks, there's no clear evidence that the north pond of LF is causing the ponding. It's my opinion that poorly shaped &amp; designed railroad ditches may be causing some of the sediment &amp; ponding problems.</p> <p>It was agreed w/ Mr. Paull that IDEM will pursue a design for proper closure of the landfill &amp; will incorporate runoff controls in the design to address the concerns of the railroad. There was no agreement that IDEM would clean the ditches or address the ponding problem.</p> <p>Tom Daugherty</p>				
Received by:	a: AAT/otus/IRCF				





LAKE COUNTY

FEDERAL HIGHWAY ADMINISTRATION  
U.S. DEPT. OF TRANSPORTATION

APPROVED: \_\_\_\_\_  
DATE \_\_\_\_\_

DIVISION ADMINISTRATOR

PLANS  
PREPARED BY: \_\_\_\_\_

CERTIFIED BY: \_\_\_\_\_

APPROVED  
FOR LETTING: \_\_\_\_\_